

*Mary Margaret Mathis, individually and as Administrator of the Estate of Holly Barlow-Austin; and
Michael Glenn Austin, individually v. Southwestern Correctional, LLC, et al.*

Case NO. 5:20-cv-00146-RWS-JBB

Declaration of Erik J. Heipt

Exhibit N

1
2 IN THE UNITED STATES DISTRICT COURT
3 EASTERN DISTRICT OF TEXAS
4 TEXARKANA DIVISION
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6 - - -

7 WILLIAM SCOTT JONES)
8)
9)
10 Vs) No. 5:19-CV-104
11)
12)
13 SOUTHWESTERN CORRECTIONAL,)
14 LLC, Et Al)
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16 - - -

17 ORAL AND VIDEO DEPOSITION OF NATHANIEL JOHNSON
18 Taken November 5, 2020
19 Texarkana, Texas
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1 A. That is correct.

2 Q. Back in 2018, there were at least two medical
3 observation cells, is that right?

4 A. Yes, sir.

5 Q. One of those cells is Medical Observation Two?

6 A. Yes, sir.

7 Q. And, is it located across the hall from the
8 Zone Two elevator?

9 A. Yes, sir.

10 Q. Did Medical Observation Cell Two have a fixed
11 camera inside of it?

12 A. Yes, sir.

13 Q. A camera that captures a view inside Medical
14 Observation Cell Two where you can see the inmate inside
15 the cell?

16 A. Yes, sir.

17 Q. Most of the cells, the camera doesn't show on
18 the toilet side of the bathroom partition, is that right?

19 A. That's right.

20 Q. Does that Med Ob Two camera also show, to some
21 degree, the glass window by the door where people walk by
22 and at times come up to the window to communicate with
23 whoever might be in Med Ob Two?

24 A. Yes, sir.

25 Q. Are there at least two cameras above the

1 A. No, sir, I don't.

2 Q. You just know there are six?

3 A. Right. I know there are six. KLC Video was
4 the operator.

5 Q. There is a vendor that provides support for the
6 system?

7 A. Yes, sir.

8 Q. I believe a gentleman named Ryan Bledsoe may
9 have some authority over the system. Have you ever
10 worked with him?

11 A. No, sir.

12 Q. How about a Bill King with KLC?

13 A. No, sir. I never worked with KLC directly.

14 Q. Ever worked with any vendor that supported the
15 camera system?

16 A. No, sir.

17 Q. It doesn't sound like you are involved with the
18 maintenance of the system at all?

19 A. No, sir.

20 Q. Your role is limited to viewing, locating
21 pertinent footage, and downloading it if necessary?

22 A. Yes, sir.

23 Q. Do you understand that a given camera in these
24 public or common areas, depending on where it is located,
25 would feed to one of those six DVRs?

1 A. I am not sure, sir. I am not sure how that
2 works.

3 Q. I have a home security system and it stores,
4 captures footage to something in the Cloud. To your
5 knowledge, has the system at the Bi-State ever sent
6 recorded footage to the Cloud or some location other than
7 the six servers that are there?

8 A. Not to my knowledge, no, sir.

9 Q. Have you ever been involved in any discussion
10 whether to add the capability for the footage to be
11 stored off site, other than in those servers to the I
12 Cloud, kind of like we do with our phones?

13 A. No, sir.

14 Q. Do these DVRs ultimately record over
15 themselves?

16 A. To my understanding, after a certain time they
17 will recycle the footage, and then we lose access to it
18 once that happens. I don't know what happens to it from
19 there, sir.

20 Q. Have you determined, at least in your
21 experience, where there is a set time that the footage is
22 no longer available?

23 A. To the best of my knowledge, sir, it is between
24 fourteen to thirty days depending on which DVR it is and
25 how much movement because they are motion activated.

1 Q. The more motion there is the sooner--

2 A. It would recycle, yes.

3 Q. It would recycle or record over itself?

4 A. Yes, sir.

5 Q. But, the minimum would be fourteen days and the
6 maximum thirty?

7 A. That was to the best of my experience with it,
8 yes, sir.

9 Q. Sure. Let's talk about in instances before Mr.
10 Jones that we are here on today. So, we are talking from
11 2005 up until July of 2018. If I am following you, you
12 have been able to go back and find footage when you
13 accessed it anywhere from fourteen to thirty days, just
14 depending on which camera you are looking?

15 A. Yes, sir.

16 Q. In your experience, has there ever been a
17 situation where you are able to find footage on a given
18 camera that's say ten days old, yet not be able to find
19 footage from that camera that is eight or seven or six
20 days old?

21 A. I can't say that I have, sir, on that.

22 Q. And, my perspective is from somebody who
23 operates a home DVR.

24 A. Yes, sir.

25 Q. Okay, but at least you have not had the problem

1 A. Somebody slips and falls, a physical
2 altercation, contraband, different things along those
3 lines.

4 Q. Trying to find potential criminal activity?

5 A. Yes, sir.

6 Q. That would include criminal activity of any of
7 the detainees?

8 A. Yes, sir.

9 Q. And staff on some occasions?

10 A. Yes, sir.

11 Q. If you suspect a staffer of sneaking contraband
12 in to the detainees, you might look to a video to figure
13 that out?

14 A. Yes, sir.

15 Q. Now, when you try to find footage, first of
16 all, who all has the ability to do that? To go in, view
17 fixed camera footage, and download it, who within the
18 jail?

19 A. In the jail, it would be the supervisors. It
20 could be the shift supervisors, it would be
21 administration.

22 Q. Pretty much anyone from sergeant up?

23 A. Sergeant up, yes, sir.

24 Q. The line officers don't have the capability to
25 do that?

1 A. No, sir.

2 Q. So, we can feel safe that it would take someone
3 of the rank of sergeant or higher to be able to access?

4 A. Yes, sir.

5 Q. Now, when you do it yourself, where within the
6 jail do you do that from?

7 A. It would be at my desk in my office, sir.

8 Q. And, you said that was in Zone Three?

9 A. Yes, sir.

10 Q. You have a desk top computer?

11 A. Yes, sir.

12 Q. Is it linked to the video system?

13 A. Yes, sir.

14 Q. And, you can watch video live from any camera
15 you pick at your desk top?

16 A. Yes, sir.

17 Q. And, you can then go in and go to a particular
18 camera and back up to a timeframe and look at footage in
19 the past?

20 A. Yes, sir.

21 Q. And, if you decide to download, or duplicate,
22 certain footage from a fixed camera, how do you do that?

23 A. I would put it on my desk top, sir, and label
24 it in a folder.

25 Q. And, do you store it in your desk top or do you

1 make an external drive or disk?

2 A. I would put it, actually in a folder and I
3 would put it on my desk top and in an external hard
4 drive.

5 Q. You would store it in your desk top? Is that a
6 yes?

7 A. Yes, sir.

8 Q. And then, you would also create an external
9 version?

10 A. Yes, sir.

11 Q. An external hard drive. Do you sometimes do it
12 on CDs?

13 A. DVDs, yes, sir. I would transfer it from the
14 computer, or the hard drive, to a DVD afterwards if
15 somebody wanted a copy.

16 Q. Okay. And, if there is going to be an incident
17 report about what is on there, if I am following you, you
18 would create the external version --

19 A. Right.

20 Q. Disk or drive, and then you would also store it
21 in a folder on your desk top.

22 A. Right.

23 Q. Electronically?

24 A. Right. Yes, sir.

25 Q. And those folders are labeled, or how are they

1 fourteen as opposed to thirty?

2 A. In my best experience, yes, sir.

3 Q. What about the day room camera in K Pod, just
4 generally how long would you expect it to be available in
5 that fourteen to thirty day range?

6 A. About that same, fourteen.

7 Q. High traffic?

8 A. Yes, sir. Because they are out in the day room
9 a lot. So, it makes a little bit more camera footage
10 there because they are not always out where the camera
11 can pick them up.

12 Q. Medical Observation Two, I take it that is
13 going to depend on how much of the time there is a
14 detainee in that cell?

15 A. Yes, sir.

16 Q. And, if we limit it to Med Ob Two and the fixed
17 camera in that cell, what has been your experience as to
18 how long footage would be available for that camera in
19 this fourteen to thirty day range?

20 A. It would be roughly two weeks, fourteen days,
21 roughly.

22 Q. What cameras have a longer life expectancy, in
23 terms of memory, footage being available?

24 A. To the best of my knowledge, sir, the ones
25 would be like in the common areas because there is not